

IN THE COUNTY COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

DONNA L. VEARA

PLAINTIFF

VS.

SAFECO INSURANCE COMPANY BY:  D.C.
OF ILLINOIS

CAUSE NO.: D2402-21-96

DEFENDANT

COMPLAINT

NOW INTO COURT, through undersigned counsel, comes the Plaintiff, Donna L. Veara, who files this Complaint against the Defendant, Safeco Insurance Company, and shows this honorable court that:

JURISDICTION AND VENUE

I.

The Plaintiff, Donna L. Veara, is a person of majority and domiciled in Ocean Springs, Jackson County, State of Mississippi.

II.

Defendant, Safeco Insurance Company of Illinois (hereinafter referred to as Safeco), is a foreign company, licensed to do and doing business in the state of Mississippi, who may be served pursuant to the Mississippi Rules of Civil Procedure.

III.

This cause of action occurred or accrued in Biloxi, Harrison County, Mississippi; and pursuant to the provisions of Miss. Code Ann. §11-11-3, as amended, venue is proper in this Court.

COUNT ONE: NEGLIGENCE

IV.

The allegations of paragraphs I-III are incorporated by reference.

V.

That on or about December 1, 2019, at approximately 8:40 a.m., and at all times hereinafter mentioned, Plaintiff, Donna Veara, was operating a 2016 Dodge Charger, traveling on the westbound I-10 ramp approaching Beach Boulevard, in Biloxi, Harrison County, Mississippi. At approximately the same time and place, Peter J. Murdoch, Jr., was operating a 2013 Subaru BRZ, when his vehicle came into contact with the rear of Plaintiff's vehicle.

VI.

Upon information and belief, the aforesaid collision(s) occurred through no fault of the Plaintiff; rather, the collision was caused solely by the fault and negligence of Peter J. Murdoch, Jr., in the following non-exclusive respects:

- a. By causing a vehicle under his control to strike the rear of a preceding vehicle, in violation of Miss. Code Ann. §63-3-619;
- b. By "tailgating," that is, by following Plaintiff too closely in violation of Miss. Code Ann. §63-3-619, which states in pertinent part, "the drive of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and traffic upon the condition of the highway";
- c. In failing to yield the right of way in violation of MS Code Ann §63-3-805;
- d. In carelessly driving without due regard to use of the streets and highways in violation of Miss. St. Ann. Sec. 63-3-1213;
- e. By failing to maintain reasonable and proper control of said vehicle upon a public road;
- f. In operating the vehicle under control in an improper, unsafe, and negligent

manner;

- g. By failing to see what should have been seen;
- h. In violating the Revised Statutes of the State of Mississippi, all of which are pled as if copied herein in extenso; and
- i. Inattention;
- j. Failure to keep a proper lookout for other traffic;
- k. Violation of applicable local, state and federal highway laws and regulations regarding the operation of motor vehicles;
- l. Any and all other acts of negligence, gross negligence, and fault as will be shown at the trial of this matter.

VII.

That as a result of the aforesaid collision, Plaintiff, Donna L. Veara, sustained injuries, including but not limited to: injuries to her neck, upper back, mid-back, and lower back, including disc injuries and radiating pain into her hips and legs.

VIII.

As a result of the aforesaid collision, Plaintiff suffered injuries and losses for which Plaintiff seeks all reasonable past and future damages from the Defendant, including, but not limited to: physical pain and suffering, including loss of enjoyment of life, past and future; medical expenses, past and future; loss of wages, past and future; and mental anguish and emotional distress, past and future.

COUNT TWO: UNDERINSURED MOTORIST COVERAGE

IX.

The allegations of paragraphs I-VII are incorporated by reference.

X.

On information and belief, at all relevant times herein, Peter J. Murdoch, Jr., was insured under a policy of insurance issued by Progressive Insurance Company, with coverage of \$25,000 per person, \$50,000 per accident.

XI.

At the same time, Plaintiff, Donna L. Veara, was insured under policies of insurance issued by Safeco, covering not less than one (3) vehicles with coverage of not less than \$50,000 per person of uninsured/underinsured motorist coverage, for stackable coverage of \$150,000.

XII.

On information and belief, the uninsured/underinsured motorist coverage exceeds the liability policy covering Peter J. Murdoch, Jr., thereby triggering coverage, and making Defendant Safeco a proper Defendant.

XIII.

Plaintiff shows that her injuries and damages exceed all available coverages and that Defendant Safeco has the obligation to step into the shoes of Peter J. Murdoch, Jr., and compensate the Plaintiff for all damages as will be proven in this matter.

XIV.

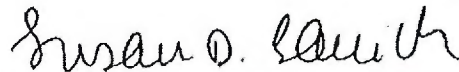
Plaintiff shows that she is entitled to a trial by jury on all issues and all counts raised herein, and prays for a trial by jury on all issues raised herein.

WHEREFORE, your Plaintiff, Donna L. Veara, prays Safeco Insurance Company of Illinois, be served with a copy of this Complaint, and after being duly cited to appear and answer

hereto, and after the expiration of all legal delays and due proceedings are had, that there be judgments rendered herein in favor of Plaintiff, Donna L. Veara, and against Defendant, Safeco Insurance Company of Illinois, as alleged, together with legal interest, and for all costs of these proceedings including expert witness fees to be taxed as costs of court, and for all legal and equitable relief this honorable court shall deem appropriate.

Further, a TRIAL BY JURY is requested on all issues raised herein.

RESPECTFULLY SUBMITTED, this the 18th day of February, 2021.



SUSAN D. SANICH (MSB #101777)

Attorney for Plaintiff

MORRIS BART, LTD.

1712 15th Street, Suite 300

Gulfport, Mississippi 39501

Telephone: (228) 276-0314

Facsimile: (866) 808-0094

ssanich@morrisbart.com



I hereby certify that the above and foregoing constitutes a true and correct copy.

Cornie Ladner
Circuit Court Clerk

 D.C.

IN THE COUNTY COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

DONNA L. VEARA

PLAINTIFF

VS.

CAUSE NO.: D 2402-21-96

SAFECO INSURANCE COMPANY
OF ILLINOIS

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

TO: Safeco Insurance Company of Illinois, through Registered Agent
United States Corporation Company
7716 Old Canton Road, Suite C
Madison, Mississippi 39110

NOTICE TO DEFENDANT

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND
YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint to
Susan Sanich, Esquire, the attorney for the Plaintiff, whose address is 1712 15th Street, Suite
300, Gulfport, MS, 39501.

Your response must be mailed or delivered within thirty (30) days from the date of
delivery of this Summons and Complaint or a judgment by default will be entered against you for
the money or other things demanded in the complaint.

You must file the original of your response with the Clerk of this Court within a
reasonable time afterward.

Issued under my hand and the seal of said Court, this 23rd day of Feb, 2021.

I hereby certify that the above and foregoing
constitutes a true and correct copy.

Connie Ladner
Circuit Court Clerk

By [Signature]

D.C.

COUNTY CLERK OF HARRISON COUNTY

BY: [Signature]

CONNIE LADNER, CIRCUIT CLERK
HARRISON COUNTY
PO BOX 235
BILOXI, MS 39533

IN THE COUNTY COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

DONNA L. VEARA

PLAINTIFF

VS.

CAUSE NO.: D2402-21-96

SAFECO INSURANCE COMPANY
OF ILLINOIS

DEFENDANT

RETURN

Safeco Insurance Company of Illinois, through Registered Agent
United States Corporation Company
7716 Old Canton Road, Suite C
Madison, Mississippi 39110

I, the undersigned process server, served the summons, complaint and discovery upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

() FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class mail, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender.

() PERSONAL SERVICE. I personally delivered copies of the Summons and Complaint on the _____ day of _____, 2021, to:

() RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within _____ county, Mississippi. I served the summons and complaint on the ____ day of _____, 2021, at the usual place of abode of said person by leaving a true copy of the summons and complaint with _____ who is the (insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served above the age of sixteen years, and willing to receive the summons and complaint and thereafter, on the _____ day of _____, 2021. I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

(☒) CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or other evidence of actual delivery to the person served).

At the time of service I was at least 18 years of age and not a party to this action.

I hereby certify that the above and foregoing constitutes a true and correct copy.

Connie Ladner
Circuit Court Clerk

By 

D.C.

IN THE COUNTY COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

DONNA L. VEARA

PLAINTIFF

VS.

CAUSE NO.: D2402-21-96

SAFECO INSURANCE COMPANY
OF ILLINOIS

DEFENDANT

AFFIDAVIT

State of Mississippi

County of Harrison

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Tawani Barnes, who being first by me duly sworn states on oath that the matters and facts set for in the foregoing "Return" are true and correct as therein stated.

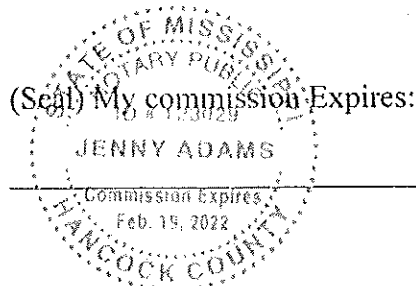
Tawani Barnes

Process Server

Sworn to and subscribed before me on this the 19th day of March, 2021.

Jenny Adams

Notary Public



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Safeco Insurance Company of Illinois,
through Registered Agent
United States Corporation Company
7716 Old Canton Road, Suite C
Madison, Mississippi 39110**



9590 9402 5911 0049 1083 85

2. Article Number (Transfer from service label)

9171 9690 0935 0225 5940 60

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input checked="" type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

USPS Tracking®[FAQs >](#)[Track Another Package +](#)**Tracking Number:** 9171969009350225594060[Remove X](#)

Your item has been delivered to an agent for final delivery in MADISON, MS 39110 on March 15, 2021 at 12:44 pm.

✓ Delivered to Agent

March 15, 2021 at 12:44 pm
Delivered to Agent for Final Delivery
MADISON, MS 39110

[Feedback](#)[Get Updates ∨](#)[Text & Email Updates ∨](#)[Return Receipt Electronic ∨](#)[Tracking History ∨](#)[Product Information ∨](#)[See Less ^](#)

**IN THE COUNTY COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT**

DONNA L. VEARA

PLAINTIFF

VS.

CAUSE NO.: 24CO2:21-cv-00096

**SAFECO INSURANCE COMPANY
OF ILLINOIS**

DEFENDANT

NOTICE OF DISCOVERY

COMES NOW, Plaintiff, Donna L. Veara, by and through her attorney of record, and gives notice that she served along with the Summons and Complaint on March 15, 2021, to the Defendant, Safeco Insurance Company of Illinois, the following:

1. Plaintiff's First Set of Interrogatories and Request for Production of Documents
Propounded to Defendant Safeco Insurance Company of Illinois.

RESPECTFULLY SUBMITTED this the 7th day of April, 2021.

s/ Susan D. Sanich
SUSAN D. SANICH, MSB # 101777
Attorney for Plaintiff
MORRIS BART, LTD.
1712 15th Street, Suite 300
Gulfport, MS 39501
(228) 276-0314
(866) 808-0094, fax
ssanich@morrisbart.com

 I hereby certify that the above and foregoing
constitutes a true and correct copy.
Connie Ladner
Circuit Court Clerk
By  D.C.

CERTIFICATE OF SERVICE

I, Susan D. Sanich, do hereby certify that on this the 7th day of April, 2021, a true and exact copy of the foregoing pleading was forwarded to the following electronically via MEC, by hand delivery or by U.S. Mail, postage pre-paid:

Safeco Insurance Company of Illinois, through Registered Agent
United States Corporation Company
7716 Old Canton Road, Suite C
Madison, Mississippi 39110

s/ Susan D. Sanich
Susan D. Sanich, MSB #101777

**IN THE COUNTY COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT**

DONNA L. VEARA,

Plaintiff,

v.

CIVIL ACTION NO. 24CO2:21-cv-
00096

SAFECO INSURANCE COMPANY OF
ILLINOIS,

Defendant.

NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT

To: Susan D. Sanich
Morris Bart, LTD
1712 15th Street, Suite 300
Gulfport, MS 39501

Please be advised that Safeco Insurance Company of Illinois has removed this matter to the United States District Court for the Southern District of Mississippi, under 28 U.S.C. §1332. A copy of the Notice of Removal filed with the Clerk of the United States District Court is attached as Exhibit "A".

Respectfully submitted this, the 13th day of April, 2021.

**SAFECO INSURANCE COMPANY OF
ILLINOIS**

By: /s/ Paul P. Blake
PAUL P. BLAKE
BEN WOODHOUSE



I hereby certify that the above and foregoing
constitutes a true and correct copy.

Connie Ladner
Circuit Court Clerk

By: [Signature]

D.C.

OF COUNSEL:

Paul P. Blake, MSB #102478
McAngus, Goudelock and Courie, LLC
Post Office Box 2955 (39158)
1020 Highland Colony Parkway, Suite 706
Ridgeland, Mississippi 39157
Telephone - (601) 427-7517
Facsimile - (601) 510-9525
Email – paul.blake@mgclaw.com

Ben Woodhouse, MSB # 105585
McAngus, Goudelock and Courie, LLC
119 North 9th Street
Oxford, Mississippi 38655
(662) 281-7831
(662) 259-8460 (Fax)
ben.woodhouse@mgclaw.com
Attorneys for Safeco Insurance Company

CERTIFICATE OF SERVICE

I, Paul P. Blake, do hereby certify that I this day caused to be filed via ECF filing, a true and correct copy of the foregoing document, which in turn sent notification to all counsel of record.

This the 13th day of April, 2021.

/s/ Paul P. Blake
PAUL P. BLAKE

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DONNA L. VEARA,

Plaintiff,

v.

CAUSE NO. 1:21-cv-126-TBM-RPM

SAFECO INSURANCE COMPANY OF
ILLINOIS,

Defendant.

NOTICE OF REMOVAL

Safeco Insurance Company gives notice of removal of this action from the County Court of Harrison County, Mississippi, Second Judicial District to the United States District Court for the Southern District of Mississippi, Southern Division, under 28 U.S.C. §§ 1332, 1441, and 1446, and states as follows:

1. On February 23, 2021, Plaintiff filed a Complaint styled *Donna L. Veara v. Safeco Insurance Company of Illinois*, Cause No. D2402-21-96, in the County Court of Harrison County, Mississippi, Second Judicial District.

2. Plaintiff alleges she was traveling west on the I-10 ramp in Harrison County, Mississippi when she was struck in the rear by Peter J. Murdoch. *Complaint* ¶ 5. Plaintiff alleges she suffered physical pain and suffering, including loss of enjoyment of life, medical expenses, loss of wages, mental anguish and emotional distress. *Complaint*, ¶ XIII.

3. “[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such

EXHIBIT

action is pending.” 28 U.S.C. §1441(a). Pursuant to 28 U.S.C. §1332(a), “The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States”

4. This is an action over which this Court has original jurisdiction under 28 U.S.C. § 1332, and may therefore be removed to this Court under 28 U.S.C. § 1441. Complete diversity exists between the parties.

5. Plaintiff is a Mississippi resident and lives in Jackson County, Mississippi.

6. Safeco Insurance Company of Illinois is incorporated in the State of Washington. It maintains its principal place of business in Seattle, Washington. Therefore it is a resident citizen of the State of Washington.

7. The Plaintiffs’ damages as alleged in the Complaint exceed the jurisdictional minimum of \$75,000. *Complaint* ¶¶ XI, XII.

8. As described hereinabove, Plaintiff is resident citizen of Mississippi, and Defendant is a resident citizen of another state. Plaintiff seeks damages that exceed \$75,000. As such, diversity jurisdiction is satisfied.

9. Therefore, this Court has original jurisdiction over the matter and Defendant may remove the state claim to this Court under 28 U.S.C. §1441.

10. A Notice of Removal must be filed “within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading set forth the claim for relief upon which such action or proceeding is based” 28 U.S.C. §1446(b)(1). The removal requirements of 28 U.S.C. § 1446 are satisfied because the Defendant was served with the

Complaint on some date on or after March 15, 2021, and has filed this Notice of Removal within 30 days of service.

11. The attached true and correct copy of Plaintiff's Complaint is attached hereto pursuant to 28 U.S.C. § 1446(a). Further, a certified copy of the complete state court file from the County Court of Harrison County has been requested with Local Rule 5(b) and will be filed with this Court upon receipt.

12. For the reasons explained above, this case is removable pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441 and the requirements of 28 U.S.C. § 1446 have been met.

13. Venue of this removed action is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district embracing the place wherein the removed action is pending: the County Court of Harrison County, Mississippi, Second Judicial District.

14. Contemporaneous with the filing of this Notice of Removal, a copy of this Notice is being filed with the Clerk of the County Court of Harrison County, Mississippi, Second Judicial District and is being served upon all counsel of record.

15. By filing this Notice of Removal, Defendant does not waive any defenses which may be available to them.

WHEREFORE, PREMISES CONSIDERED, Defendant, Safeco Insurance Company of Illinois, respectfully prays that this action be removed to the United States District Court for the Southern District of Mississippi.

Respectfully submitted this, the 13th day of April, 2021.

**SAFECO INSURANCE COMPANY OF
ILLINOIS**

By: /s/ Paul P. Blake
PAUL P. BLAKE
BEN WOODHOUSE

OF COUNSEL:

Paul P. Blake, MSB #102478
McAngus, Goudelock and Courie, LLC
Post Office Box 2955 (39158)
1020 Highland Colony Parkway, Suite 706
Ridgeland, Mississippi 39157
Telephone - (601) 427-7517
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Ben Woodhouse, MSB # 105585
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119 North 9th Street
Oxford, Mississippi 38655
(662) 281-7831
(662) 259-8460 (Fax)
ben.woodhouse@mgclaw.com
Attorneys for Safeco Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon all counsel of record by ECF filing to:

Susan D. Sanich
Morris Bart, LTD
1712 15th Street, Suite 300
Gulfport, MS 39501
ssanich@morrisbart.com

This the 13th day of April, 2021.

/s/ Paul P. Blake
PAUL P. BLAKE

IN THE COUNTY COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

DONNA L. VEARA

PLAINTIFF

VS.

FEB 23 2021

CAUSE NO.: D2402-21-96

SAFECO INSURANCE COMPANY BY:  D.C.
OF ILLINOIS

DEFENDANT

COMPLAINT

NOW INTO COURT, through undersigned counsel, comes the Plaintiff, Donna L. Veara, who files this Complaint against the Defendant, Safeco Insurance Company, and shows this honorable court that:

JURISDICTION AND VENUE

I.

The Plaintiff, Donna L. Veara, is a person of majority and domiciled in Ocean Springs, Jackson County, State of Mississippi.

II.

Defendant, Safeco Insurance Company of Illinois (hereinafter referred to as Safeco), is a foreign company, licensed to do and doing business in the state of Mississippi, who may be served pursuant to the Mississippi Rules of Civil Procedure.

III.

This cause of action occurred or accrued in Biloxi, Harrison County, Mississippi; and pursuant to the provisions of Miss. Code Ann. §11-11-3, as amended, venue is proper in this Court.

COUNT ONE: NEGLIGENCE

IV.

The allegations of paragraphs I-III are incorporated by reference.

V.

That on or about December 1, 2019, at approximately 8:40 a.m., and at all times hereinafter mentioned, Plaintiff, Donna Veara, was operating a 2016 Dodge Charger, traveling on the westbound I-10 ramp approaching Beach Boulevard, in Biloxi, Harrison County, Mississippi. At approximately the same time and place, Peter J. Murdoch, Jr., was operating a 2013 Subaru BRZ, when his vehicle came into contact with the rear of Plaintiff's vehicle.

VI.

Upon information and belief, the aforesaid collision(s) occurred through no fault of the Plaintiff; rather, the collision was caused solely by the fault and negligence of Peter J. Murdoch, Jr., in the following non-exclusive respects:

- a. By causing a vehicle under his control to strike the rear of a preceding vehicle, in violation of Miss. Code Ann. §63-3-619;
- b. By "tailgating," that is, by following Plaintiff too closely in violation of Miss. Code Ann. §63-3-619, which states in pertinent part, "the drive of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and traffic upon the condition of the highway";
- c. In failing to yield the right of way in violation of MS Code Ann §63-3-805;
- d. In carelessly driving without due regard to use of the streets and highways in violation of Miss. St. Ann. Sec. 63-3-1213;
- e. By failing to maintain reasonable and proper control of said vehicle upon a public road;
- f. In operating the vehicle under control in an improper, unsafe, and negligent

manner;

- g. By failing to see what should have been seen;
- h. In violating the Revised Statutes of the State of Mississippi, all of which are pled as if copied herein in extenso; and
- i. Inattention;
- j. Failure to keep a proper lookout for other traffic;
- k. Violation of applicable local, state and federal highway laws and regulations regarding the operation of motor vehicles;
- l. Any and all other acts of negligence, gross negligence, and fault as will be shown at the trial of this matter.

VII.

That as a result of the aforesaid collision, Plaintiff, Donna L. Veara, sustained injuries, including but not limited to: injuries to her neck, upper back, mid-back, and lower back, including disc injuries and radiating pain into her hips and legs.

VIII.

As a result of the aforesaid collision, Plaintiff suffered injuries and losses for which Plaintiff seeks all reasonable past and future damages from the Defendant, including, but not limited to: physical pain and suffering, including loss of enjoyment of life, past and future; medical expenses, past and future; loss of wages, past and future; and mental anguish and emotional distress, past and future.

COUNT TWO: UNDERINSURED MOTORIST COVERAGE

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At the same time, Plaintiff, Donna L. Veara, was insured under policies of insurance issued by Safeco, covering not less than one (3) vehicles with coverage of not less than \$50,000 per person of uninsured/underinsured motorist coverage, for stackable coverage of \$150,000.

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On information and belief, the uninsured/underinsured motorist coverage exceeds the liability policy covering Peter J. Murdoch, Jr., thereby triggering coverage, and making Defendant Safeco a proper Defendant.

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Plaintiff shows that her injuries and damages exceed all available coverages and that Defendant Safeco has the obligation to step into the shoes of Peter J. Murdoch, Jr., and compensate the Plaintiff for all damages as will be proven in this matter.

XIV.

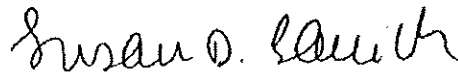
Plaintiff shows that she is entitled to a trial by jury on all issues and all counts raised herein, and prays for a trial by jury on all issues raised herein.

WHEREFORE, your Plaintiff, Donna L. Veara, prays Safeco Insurance Company of Illinois, be served with a copy of this Complaint, and after being duly cited to appear and answer

hereto, and after the expiration of all legal delays and due proceedings are had, that there be judgments rendered herein in favor of Plaintiff, Donna L. Veara, and against Defendant, Safeco Insurance Company of Illinois, as alleged, together with legal interest, and for all costs of these proceedings including expert witness fees to be taxed as costs of court, and for all legal and equitable relief this honorable court shall deem appropriate.

Further, a TRIAL BY JURY is requested on all issues raised herein.

RESPECTFULLY SUBMITTED, this the 18th day of February, 2021.



SUSAN D. SANICH (MSB #101777)

Attorney for Plaintiff

MORRIS BART, LTD.

1712 15th Street, Suite 300

Gulfport, Mississippi 39501

Telephone: (228) 276-0314

Facsimile: (866) 808-0094

ssanich@morrisbart.com

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

1:21-cv-126-TBM-RPM

I. (a) PLAINTIFFS

Donna L. Veara

(b) County of Residence of First Listed Plaintiff **Jackson**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Susan D. Sanich, Esq.

Morris Bart, Ltd., 1712 15th Street, Suite 300, Gulfport, MS 39501
#228-276-0314

DEFENDANTS

Safeco Insurance Company of Illinois

County of Residence of First Listed Defendant **King**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Paul P. Blake, Esq. and Ben Woodhouse, Esq.
McAngus, Goudelock & Courie, LLC, P. O. Box 2955
Ridgeland, MS 39158-2955 - #601-427-7517

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☒ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395H) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input checked="" type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609				

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. § 1332

Brief description of cause:
Auto Accident

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 04/13/2021
SIGNATURE OF ATTORNEY OF RECORD
/s/ Paul P. Blake

FOR OFFICE USE ONLY Case: 24CO2:21-cv-00096

Document #: 6-1

Filed: 04/13/2021

Page 10 of 10

RECEIPT # AMOUNT \$402.00

APPLYING IFP

JUDGE

MAG. JUDGE

0538-4529327